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3	pprynkiewicz@littler.com LITTLER MENDELSON, P.C. Camelback Esplanade 2425 East Camelback Road, Suite 900			
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5	Phoenix, Az	Z 85016 602.474.3600 602.957.1801		
6 7	Attorneys for STATE OF	or Defendant ARIZONA		
8	IN THE UNITED STATES DISTRICT COURT			
9	FOR THE DISTRICT OF ARIZONA			
10	John Doe,		Case No. 2:18-cv-00384-GMS	
11		Plaintiff,	DEFENDANT'S ANSWER TO	
12	V.		PLAINTIFF'S COMPLAINT	
13	State of Arizona,			
14 15		Defendant.		
16	Defendant the State of Arizona hereby answers Plaintiff's Complaint by admitting			
17	denying, and affirmatively alleging as follows:			
18	1.	Defendant admits that Plaintiff	's Complaint asserts a claim against it under	
19	Title VII as alleged in ¶ 1 of Plaintiff's Complaint, but denies that it committed any act			
20	giving rise to any liability to Plaintiff under Title VII or otherwise.			
21	2.	Defendant admits the allegation	s in ¶ 2 of Plaintiff's Complaint.	
22	3.	Defendant admits the allegation	s in ¶ 3 of Plaintiff's Complaint.	
23	4.	Defendant lacks knowledge or	nformation sufficient to form a belief as to the	
24	truth of the allegations in ¶ 4 of Plaintiff's Complaint.			
25	5.	Defendant admits the allegation	s in ¶ 5 of Plaintiff's Complaint.	
26	6.	Defendant lacks knowledge or	nformation sufficient to form a belief as to the	
27	truth of the allegations in ¶ 6 of Plaintiff's Complaint.			
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- 8. Defendant admits the allegations in ¶ 8 of Plaintiff's Complaint. 9. Defendant denies the allegations in ¶ 9 of Plaintiff's Complaint. 10. Defendant denies the allegations in ¶ 10 of Plaintiff's Complaint. 11. Defendant lacks knowledge or information sufficient to form a belief as to the
- truth of the allegations in ¶ 11 of Plaintiff's Complaint.

Corrections (the "Department"), but admits that the Department is a division/department of

the State of Arizona and affirmatively asserts that the Department is a non-jural entity.

Defendant denies that it owns and operates the Arizona Department of

- 12. Defendant denies the allegations in ¶ 12 of Plaintiff's Complaint.
- 13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 13 of Plaintiff's Complaint.
  - 14. Defendant denies the allegations in ¶ 14 of Plaintiff's Complaint.
  - 15. Defendant denies the allegations in ¶ 15 of Plaintiff's Complaint.
  - 16. Defendant denies the allegations in ¶ 16 of Plaintiff's Complaint.
- 17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 17 of Plaintiff's Complaint.
  - 18. Defendant denies the allegations in ¶ 18 of Plaintiff's Complaint.
- 19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 19 of Plaintiff's Complaint.
- 20. Defendant denies the allegations in ¶ 20 of Plaintiff's Complaint and affirmatively alleges that it had no knowledge of any alleged threat to Plaintiff's safety, that Plaintiff was being subjected to any discriminatory harassment, and that Plaintiff refused to provide it with any information regarding any alleged problem he may have been experiencing.
- Defendant denies the allegations in ¶ 21 of Plaintiff's Complaint and 21. affirmatively alleges that Plaintiff's attorney complained about alleged discriminatory treatment in June 2015 and requested that Plaintiff be transferred to the Department's facility in Douglas, Arizona.

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- 22. Defendant denies the allegations in ¶ 22 of Plaintiff's Complaint and affirmatively alleges that Plaintiff's attorney specifically requested that Plaintiff be transferred to Douglas, Arizona, and the Department agreed to that request.
  - 23. Defendant denies the allegations in ¶ 23 of Plaintiff's Complaint.
  - 24. Defendant denies the allegations in ¶ 24 of Plaintiff's Complaint.
  - 25. Defendant denies the allegations in ¶ 25 of Plaintiff's Complaint.
  - 26. Defendant denies the allegations in ¶ 26 of Plaintiff's Complaint.
  - 27. Defendant denies the allegations in ¶ 27 of Plaintiff's Complaint.
  - 28. Defendant denies the allegations in ¶ 28 of Plaintiff's Complaint.
  - 29. Defendant denies the allegations in ¶ 29 of Plaintiff's Complaint.
- 30. Defendant denies that Plaintiff was subjected to any discriminatory treatment during his employment, but admits the remaining allegations in ¶ 30 of Plaintiff's Complaint.
- 31. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 31 of Plaintiff's Complaint.
- 32. Defendant denies each and every allegation in Plaintiff's Complaint that it did not specifically admit.

## **AFFIRMATIVE DEFENSES**

- 1. Plaintiff has failed to mitigate his alleged damages.
- 2. To the extent Plaintiff is seeking punitive or exemplary damages, Defendant affirmatively alleges that it is not liable for any such punitive or exemplary damages under 42 U.S.C. § 1981a(b)(1).
- 3. Defendant exercised reasonable care to prevent and promptly correct any allegedly discriminatory or harassing behavior and Plaintiff unreasonably failed to take advantage of the preventive or corrective opportunities that Defendant provided.
- 4. Plaintiff may not seek declaratory, injunctive, or equitable relief as a matter of law.

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1	5. Defendant reserves the right to amend its Answer to assert additional			
2	affirmative defenses that may be revealed during discovery, including those defenses listed			
3	in Rule 8(c) of the Federal Rules of Civil Procedure.			
4	WHEREFORE, having fully answered Plaintiff's Complaint, Defendant prays for the			
5	dismissal of Plaintiff's Complaint, for an award of its costs, and such other and further relief			
6	as the Court deems just and proper.			
7	RESPECTFULLY SUBMITTED this 16th day of May, 2018.			
8				
9	s/ Peter C. Prynkiewicz			
10	Mark Ogden Peter C. Prynkiewicz LITTLER MENDELSON, P.C. Attorneys for Defendant			
11				
12	State of Arizona			
13				
14	I hereby certify that I electronically transmitted the attached document to the			
15	Electronic Filing to the following CM/ECF			
16				
17	the following if non-registrants, this 16th day of May, 2018.			
18	Stephen Montoya			
19	MONTOYA LÚCERO & PASTOR, P.A. 3200 N. Central Ave., Suite 2550			
20	Phoenix, AZ 85012 Attorney for Plaintiff			
21				
22	s/ Tisha A. Davis			
23	Firmwide:154384447.1 038059.1028			
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